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Patent Operations
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In re Application of
HÜTTER, Ingo
U.S. Application No.: 10/542,585
PCT No.: PCT/EP03/14931
Int. Filing Date: 29 December 2003
Priority Date: 23 January 2003
Attorney's Docket No.: PD030010
For: UPDATING PARAMETERS IN A
BRIDGED MULTISTANDARD HOME
NETWORK

DECISION

This is a decision on the request to add an inventor in the above-captioned application filed 06 January 2006 which is treated under 37 CFR 1.497(d).

BACKGROUND

On 17 November 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee of \$130.00 was required. Applicants were given two months to respond with extensions of time available.

On 05 January 2006, applicant filed the subject petition which was accompanied by, *inter alia*, the surcharge fee and a declaration listing two inventors. The underlying international application records only one inventor.

DISCUSSION

Applicant requests to add Michael Weber as an inventor in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(l); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

The processing fee of \$130.00 was charged to Deposit Account No. 07-0832 as authorized. However, applicant failed to provide the requisite statement from Michael Weber. The statement by counsel regarding the omission is not sufficient. Moreover, applicant has not provided the written consent of the assignee.

Therefore, all the requirements of 37 CFR 1.497(d) are not complete.

CONCLUSION

For the reason discussed above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Applicants must address items (1) and (3) of 37 CFR 1.497(d) with any response. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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